

EXTREME HARDSHIP

A waiver of inadmissibility is dependent first upon a showing that the bar imposes an extreme hardship on a qualifying family member. Congress provided this waiver but limited its application. By such limitation it is evident that it did not intend that a waiver be granted merely due to the fact that a qualifying relationship existed. The key term in the provision is "extreme" and thus only in cases of real actual or prospective injury to the United States national or lawful permanent resident will the bar be removed. Common results of the bar, such as separation, financial difficulties, etc., in themselves are insufficient to warrant approval of an application unless combined with much more extreme impacts. *Matter of Ngai*, 19 I&N Dec. 245. With this requirement in mind, furnish documentary evidence proving that failure to receive the waiver requested will result in extreme hardship to your qualifying family member.

The following factors may be considered when compiling evidence of extreme hardship. **DO NOT BE LIMITED TO THESE ITEMS. SUBMIT ANY EVIDENCE YOU FEEL IS IMPORTANT.**

a. HEALTH -Ongoing or specialized treatment requirements for a physical; or mental condition; availability and quality of such treatment in the country to which removed; anticipated duration of the treatment; whether a condition is chronic or acute, or long or short-term.

b. FINANCIAL CONSIDERATIONS -Future employability; loss due to sale of home or business or termination of a professional practice; decline in standard of living; ability to recoup short-term losses; cost of extraordinary needs such as special education or training for children; cost of care for family members (i.e., elderly and infirm parents).

c. EDUCATION -Loss of opportunity for higher education; lower quality or limited scope of education options; disruption of current program; requirement to be educated in a foreign language or culture with ensuing loss of time for grade; availability of special requirements, such as training programs or internships in specific fields.

d. PERSONAL CONSIDERATIONS -Close relatives in the United States and country of removal; separation from spouse/children; ages of involved parties; length of residence and community ties in the United States.

e. SPECIAL FACTORS -Cultural, language, religious, and ethnic obstacles; valid fears persecution, physical harm, or injury; social ostracism or stigma; access to social institutions or structures.

f. Any other evidence which you believe may help you meet the burden of showing extreme hardship to your qualifying family member if this waiver request is not granted.